

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Longino Acero,

NO. C 07-00029 JW

Plaintiff,

**ORDER VACATING ORDER TO SHOW
CAUSE RE: DISMISSAL; SETTING
CASE SCHEDULE**

v.

County of Santa Clara, et al.,

Defendants.

On June 23, 2008, the Court conducted a Preliminary Pretrial Conference. Counsel for Defendant County of Santa Clara was present; however, no one appeared on behalf of Plaintiff. Thus, the Court ordered Plaintiff to appear at a hearing set for July 7, 2008 to show cause why the case should not be dismissed for failure to prosecute. At the July 7, 2008 hearing to show cause hearing, Plaintiff appeared and explained that he failed to appear because he was incarcerated. In light of Plaintiff's representation, the Court excuses Plaintiff's failure to appear at the June 23, 2008 conference and vacates its order to show cause regarding dismissal.


At the hearing, Defendant Santa Clara County represented that it intends to file a motion for summary judgment as to Plaintiff's § 1983 claim. Accordingly, the Court sets a briefing schedule as follows:

- (1) The hearing on Defendant's anticipated motion for summary judgment is set for **December 2, 2008 at 9:00 a.m.**
- (2) Defendant shall file and serve its motion on or before **July 18, 2008.**
- (3) Plaintiff shall file and serve his opposition, if any, on or before **August 18, 2008.**

- 1 (4) Defendant shall file and serve its reply, if any, on or before **September 2, 2008**.
- 2 (5) The Court sets an interim Case Management Conference for **October 6, 2008 at**
- 3 **10:00 am**. The parties shall meet and confer and file a Joint Case Management
- 4 Statement updating the parties efforts in resolving the case short of trial.

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6 Dated: July 7, 2008

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JAMES WARE
United States District Judge

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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c/o Connie Rodriguez
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Dated: July 7, 2008

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy